

STATE OF TENNESSEE

Office of the Attorney General



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TN REGULATORY AUTHORITY  
DOCKET ROOM

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CORDELL HULL AND JOHN SEVIER  
STATE OFFICE BUILDINGS

TELEPHONE 615-741-3491  
FACSIMILE 615-741-2009

October 11, 2002

Chairman Sara Kyle  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

**RE: IN RE: UNITED CITIES GAS COMPANY, a Division of ATMOS ENERGY  
CORPORATION INCENTIVE PLAN ACCOUNT (IPA) AUDIT  
Docket No.: 01-00704**

Dear Chairman Kyle:

Enclosed is an original and thirteen copies of the Office of the Attorney General's Supplemental Revised Set of Interrogatories and Requests to Admit in the above-referenced matter. We request that this be filed with the TRA in this docket. Please be advised that all parties of record have been served copies of these documents. If you have any questions, kindly contact me at (615) 532-3382. Thank you very much.

Sincerely,

A handwritten signature in cursive script, reading "Shilina B. Chatterjee".

Shilina B. Chatterjee  
Assistant Attorney General

Enclosures

59122

**IN THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

IN RE:	) DOCKET NO. 01-00704
	)
UNITED CITIES GAS COMPANY, a	)
Division of ATMOS ENERGY	)
CORPORATION INCENTIVE PLAN	)
ACCOUNT (IPA) AUDIT	)

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**ATTORNEY GENERAL'S SUPPLEMENTAL REVISED SET OF  
INTERROGATORIES AND REQUESTS FOR ADMISSION TO UNITED CITIES  
GAS COMPANY**

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The Tennessee Office of the Attorney General, through the Consumer Advocate & Protection Division ("Attorney General"), supplements and revises the following Interrogatories and Requests for Admission upon United Cities Gas Company, a Division of Atmos Energy Corporation ("UCG"), pursuant to Rules 26, 33 and 36 of the Tennessee Rules of Civil Procedure and Tenn. Comp. R. & Reg 1220-1-2-.11. We request that full and complete responses be provided, under oath, pursuant to the Tennessee Rules of Civil Procedure. The responses are to be produced at the Office of the Tennessee Attorney General and Reporter, Consumer Advocate & Protection Division, 425 Fifth Avenue North, Nashville, Tennessee 37243, c/o Russell T. Perkins, within two (2) business days as determined during the Oral Argument for the Motion to Compel held on October 10, 2002 at the Tennessee Regulatory Authority before Hearing Officer Richard Collier.

## **PRELIMINARY MATTERS AND DEFINITIONS**

These Interrogatories and Requests for Admission are to be considered continuing in nature, and are to be supplemented from time to time as information is received by the UCG and/or Atmos Energy Corporation which would make a prior response inaccurate, incomplete, or incorrect. In addition, the Attorney General requests that UCG supplement responses hereto with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, and the identity of each person expected to be called as an expert at hearing, the subject matter on which the expert is expected to testify, and the substance of the expert's testimony.

Each Interrogatory calls for all knowledge which UCG has as a party, as distinguished from the solitary knowledge of UCG as an entity or person. That is to say, the answers are to include all knowledge available to UCG, as a party, or Atmos Energy Corporation, whether it be UCG's or Atmos' solitary knowledge or the knowledge of UCG's attorney or other representative.

For purposes of these Interrogatories and Requests for Admission, the term "you" shall mean and include: UCG, Atmos Energy Corporation and all employees, agents and representatives thereof.

The term "identity" and "identify" as used herein, with respect to any person, means to provide their name, date of birth, current residence address, current residence telephone number, current business address, current business telephone number, and the occupation or job title of that person; with respect to an entity, those terms mean to provide the name by which said entity is commonly known, the current address of its principal place of business, and the nature of

business currently conducted by that entity; with respect to any document, those terms mean to provide the date of the document, the nature of the document, and the title (if any) of the document.

The term "document" as used herein, means any medium upon which intelligence or information can be recorded or retrieved, and includes, without limitation, the original and each copy, regardless of origin or location, of any book, pamphlet, periodical, letter, note, memorandum (including memoranda, note or report of a meeting or conversation), photograph, videotape, audio tape, computer disk, e-mail, or any other written, typed, reported, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced, which is in your possession, custody or control or which was, but is no longer, in your possession, custody, or control. If any such document or thing was, but no longer is, in your possession or control, state what disposition was made of it and when.

If you produce documents in response to these Interrogatories, please produce the original of each document or, in the alternative, identify the location of the original document. If the "original" document is itself a copy, that copy should be produced as the original.

If any of the interrogatories are not answered on the basis of privilege or immunity, include in your response to each such interrogatory a written statement evidencing:

- a. the nature of the communication;
- b. the date of the communication;
- c. the identity of the persons present at such communication; and
- d. a brief description of the communication sufficient to allow the Court to rule on a motion to compel.

If any objections are raised on the basis of privilege or immunity, include in your response, a complete explanation concerning the privilege asserted.

### **INTERROGATORIES**

Consistent with the preceding definitions and preliminary matters, answer under oath the following specific interrogatories.

20. If your response to any Request for Admission is other than an unqualified admission, state for each such Request for Admission the following:

- a. all facts that you contend support in any manner your response to the extent it is not a complete admission;

**RESPONSE:**

- b. for any information you contend is incorrect or inaccurate provide the correct information;

**RESPONSE:**

- c. identify all documents, or any tangible or intangible thing that supports in any manner your lack of admission or your qualification of your admission;

**RESPONSE:**

- d. the name and address of the custodian of all tangible things identified in response to subsection (b) of this interrogatory; and

**RESPONSE:**

- e. the name and address of all persons, including consultants, purporting to have any knowledge or factual data upon which you base your lack of admission or your qualification of your admission.

**RESPONSE:**

**VERIFICATION**

I, \_\_\_\_\_, hereby depose and say, after having been first duly sworn, that I have read the foregoing Interrogatories and the answers and responses thereto are true according to the best of my knowledge, information, and belief.

\_\_\_\_\_  
Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ )

Personally appeared before me, \_\_\_\_\_, with whom I am personally acquainted, and who acknowledged that he has answered the foregoing Interrogatories and executed the foregoing instrument for the purposes therein contained.

Witness my hand, at office, on this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

## REQUESTS FOR ADMISSION

Consistent with the proceeding definitions and preliminary matters, you are requested to admit to the following statements of fact.

9. The *Inside FERC Gas Market Report*, *Natural Gas Intelligence* and *NYMEX* indices are used to calculate transportation costs account for the effects of market-driven pipeline transportation rates.

### RESPONSE:

15. The benchmark for UCG's PBR uses no other indices other than *Inside FERC Gas Market Report*, *Natural Gas Intelligence* and *NYMEX* indices.

### RESPONSE:

18(a). Negotiated transportation contracts were not used by UCG to calculate savings in the accounting for any plan year prior to 2000-2001.

### RESPONSE:



18(b). UCG's calculation of NORA avoided transportation costs for the previous plan year prior to 2000-2001 were not based on negotiated transportation contracts.

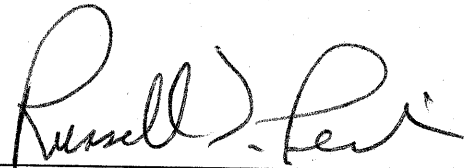
**RESPONSE:**

As to the Request for Admissions,

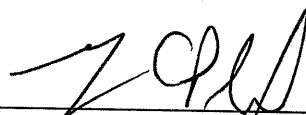
\_\_\_\_\_  
[Print Name] \_\_\_\_\_  
Attorney for defendant

Respectfully submitted,

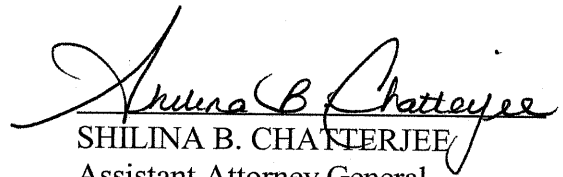
FOR THE STATE OF TENNESSEE:



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Consumer Advocate & Protection Division

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Nashville, TN 37243-0491

(615) 532-3382

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail, facsimile or hand delivery on October 11, 2002.

Honorable Sara Kyle  
Chairman  
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Shilina B. Chatterjee  
Assistant Attorney General